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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag.CJ

Writ Petition (C) No. 4152 of 2007

PETITIONER

Ashok Gir, aged about 22 years, Son of
Nohar Gir, Resident of Village Kesla,
Outpost Kotami, Police Station
Pendrroad, District Bilaspur (C.G.)

VERSUS

RESPONDENT

Bimla Bai, aged about 20 years
Wife of Ashok Gir, Caste Goswami (Baba)
Resident of Village Khongsara Near Baba
Talab, Outpost Belgahna, Police Station
Kota, District Bilaspur (C.G.)

Writ Petition under Article 227 of the Constitution of India

Present: Shri Uttam Pandey, counsel for the petitioner.

ORAL ORDER
(Passed on 18th July, 2007)

Learned counsel for the petitioner has approached this Court against the order passed by Family Court on 31-08-2006 for granting interim maintenance of Rs. 600/- in favour of respondent. Learned counsel for the petitioner submits that the trial Court has found relation between the parties as husband and wife without going through the reply submitted by the petitioner and granted interim maintenance. He also submits that he has challenged even the marriage and his age and the M.J.C. is pending before the Court below.

This Court under Article 227 of the Constitution of India cannot decide the disputed question of fact which are to be decided by the trial Court and M.J.C. is pending before the Court below. No interference is warranted with the impugned interim order. Accordingly, the writ petition is dismissed.

Sd/-
Acting Chief Justice

Hande